

1653



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Michael Simons & Youhe Gao.
 Serial No. : 09/426,011
 Filed : October 25, 1999
 For : "METHOD FOR PR-39 PEPTIDE REGULATED
STIMULATION OF ANGIOGENESIS"
 Examiner : Roy R. Teller
 Group Art Unit : 1653
 Attorney's Docket No. : BIS-043/CIP

RECEIVED

SEP 03 2002

10/5/02

***** TECH CENTER 1600/2900

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on: Sept. 24, 2002.

Attorney for Applicants: David Prashker

Signature: David Prashker

Date: Sept. 24, 2002

**REPLY TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT
APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR
AMINO ACID SEQUENCE DISCLOSURES**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the instant Notice To Comply With Requirements
For Patent Applications Containing Nucleotide Sequence And/Or Amino
Acid Sequence Disclosures as mailed September 10th, 2002, please find
enclosed another copy of the following documents and diskette

originally submitted under a Certificate Of Mailing dated January 23rd, 2002 for filing on behalf of applicants and for formal entry into the above-identified application:

1. A second paper form copy of the "Sequence Listing" to be formally entered into the original Specification of the above-identified patent application as originally submitted January 23, 2002.
2. A second computer readable form (CRF) copy of the "Sequence Listing" as originally submitted January 23, 2002.
3. A Second Statement And Verification Of Substantive Identity Between The Computer Readable Form (CRF) Copy And The Paper Form Copy Of The "Sequence Listing" as originally submitted January 23, 2002.
4. One copy of the Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures as mailed September 10th, 2002.

This is the second occasion in series where the CRF Problem Report (now dated June 20, 2002) accompanying the instant Notice identifies the sole problem as a damaged CRF diskette. The first occasion was the Notice mailed April 26th, 2002; and applicants responded in full on May 24th, 2002 with another set of the appropriate documents and a CRF diskette of the sequences in question. Nevertheless, it appears that the CRF diskette become damaged again during the transfer process.

Applicants again see no point in submitting entirely new supporting documents and verifications under these circumstances. For these reasons, photocopies of the accepted supporting documents and verifications originally submitted January 23, 2002 have again been enclosed, together with a new and undamaged diskette presenting the relevant sequences in computer readable format. This documentary enclosure and presently undamaged diskette are therefore deemed to satisfy in full all the necessary procedural requirements.

Respectfully submitted,

MICHAEL SIMONS
YOU GAO

Date: Sept. 24 2002
P.O. Box 5387
Magnolia, Massachusetts 01930
Tel.: (978) 525-3794

By: David Prashker
David Prashker
Reg. No. 29,693
Attorney for applicants



UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Michael Simons & Youhe Gao
Serial No. : 09/426,011
Filed : October 25, 1999
For : "METHOD FOR PR-39 PEPTIDE
REGULATED STIMULATION OF
ANGIOGENEIS"
Examiner : F.T. Moezie
Group Art Unit : 1653
Attorney's Docket No. : BIS-O43/CIP

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SEP 03 2002

TECH CENTER 1600/2900

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on: Jan. 23, 2002.

Attorney for Applicants:

David Traskler
Signature: David Traskler

Date: Jan. 23, 2002

SECOND STATEMENT AND VERIFICATION OF SUBSTANTIVE IDENTITY
BETWEEN THE SECOND COMPUTER READABLE FORM (CRF) COPY AND
THE SECOND PAPER FORM COPY OF THE "SEQUENCE LISTING"

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In accompaniment with the enclosed Reply to the Notice To
Comply With Requirements For Patent Applications Containing
Nucleotide Sequence And/Or Amino Acid Sequence Disclosures as
mailed September 4, 2001 and extended through February 4, 2002,
applicants' undersigned attorney states and verifies the following: The

content of the second paper form copy and the second computer readable form (CRF) copy of the "Sequence Listing" enclosed herewith are the same; the content of the second paper form copy and the second computer readable form (CRF) copy of the "Sequence Listings" enclosed herewith do not contain any New Matter; and the content of the second paper form copy and the second computer readable form (CRF) copy of the "Sequence Listing" enclosed herewith is fully supported by the descriptive and enabled disclosure of the Specification text originally filed October 25, 1999 as USSN 09/426,011.

This second statement and verification of the contents and sameness of the "Sequence Listing" in second paper form copy and second computer readable form (CRF) copy is made pursuant to and in compliance with the requirements as set forth in 37 C.F.R. 1.821-1.825 respectively. Applicants' undersigned attorney respectfully submits that this second statement and verification is also a legally complete and sufficient Response to the instant Notice to comply with requirements for sequence disclosures as such.

Respectfully submitted,

MICHAEL SIMONS
YOUHE GAO

Date: Jan. 23, 2002
P.O. Box 5387
Magnolia, Massachusetts 01930
Tel.: (978) 5253794

By: 
David Prashker
Reg. No. 29,693
Attorney for applicants

O I P E
SEP 3 0 2002
JC21

Application No.: 09/426011

~~NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES~~

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- 7. Other: _____

Applicant Must Provide:

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support (SIRA)

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE

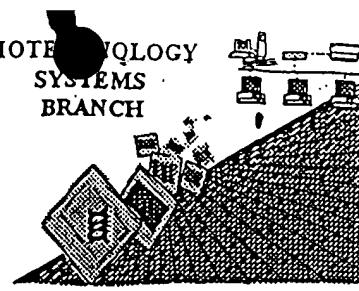
R. Teller

1653



Re-run

BIOTECHNOLOGY
SYSTEMS
BRANCH



CRF Problem Report

The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 09/426,011B

Filing Date: 10/25/1999

Date Processed by STIC: 6/20/02

STIC Contact: Mark Spencer, 703-308-4212

Nature of Problem:

The CRF (was):

(circle one) Damaged or Unreadable (for Unreadable, see attached)
 Blank (no files on CRF) (see attached)
 Empty file (filename present, but no bytes in file) (see attached)
 Virus-infected. Virus name: _____ The STIC will not process the CRF.
 Not saved in ASCII text
 Sequence Listing was embedded in the file. According to Sequence Rules,
submitted file should only be the Sequence Listing.
 Did not contain a Sequence Listing. (see attached sample)
 Other:

PLEASE USE THE CHECKER VERSION 3.1 PROGRAM TO REDUCE ERRORS.

SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<http://www.uspto.gov/ebc/efs/downloads/documents.htm>), EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202
3. Hand Carry directly to:
U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7th Floor, Examiner Name, Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202
Or
U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202
4. Federal Express, United Parcel Service , or other delivery service to: U.S. Patent and Trademark Office, Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

Revised 01/29/2002